

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SUNNI, LLC, SUNNI III, INC., and MR.  
SAMMY HINNAWI,

Plaintiffs,

- against -

EDIBLE ARRANGEMENTS  
INTERNATIONAL, LLC,

Defendant.

Case No. \_\_\_\_\_

ECF Case

**NOTICE OF REMOVAL**

Supreme Court of the State of New York,  
County of New York  
Index No. 650143/2014

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Edible Arrangements International, LLC (“EAI”), by its attorneys, hereby removes the above-captioned action to the United States District Court for the Southern District of New York from the Supreme Court of the State of New York, County of New York, where the action was commenced. In support of this removal, EAI states as follows:

1. A civil action (hereinafter, the “State Court Action”) has been brought and is now pending in the Supreme Court of the State of New York, County of New York (the “New York State Court”), entitled *Sunni, LLC, Sunni III, Inc. and Sammy Hinnawi v. Edible Arrangements International, LLC*, Index No. 650143/2014. Plaintiffs initiated the State Court Action on or about January 15, 2014, by filing their Petition and Application for Emergency Order to Show Cause in the New York State Court on that date.

2. EAI was served with a copy of the Petition on January 20, 2014. (*See* Declaration of Caroline M. Gilroy [“Gilroy Decl.”] at ¶ 5, a copy of which is annexed hereto as Exhibit A.)

3. The State Court Action is an action over which this Court has original subject-matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), in that it is a civil action wherein the

matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

5. Plaintiff Sunni, LLC is a New York limited liability company that has its principal place of business in New York, New York. The members of Sunni, LLC are plaintiff Sammy Hinnawi and Farid Abdullah, both of whom are citizens and residents of New Jersey. (*See* Gilroy Decl. at ¶ 6.)

6. Plaintiff Sunni III, Inc. is a New York corporation with its principal place of business in New York. (*See* Gilroy Decl. at ¶ 6.)

7. EAI is a Delaware limited liability company that has its principal place of business in Wallingford, Connecticut. (*See* Gilroy Decl. at ¶ 3.) EAI's sole member is a Delaware limited liability company named Edible Brands, LLC that has its principal place of business in Connecticut. (*See* Gilroy Decl. at ¶ 4.) The majority member of Edible Brands, LLC is Edible Brands, Inc., which is a Connecticut corporation that has its principal place of business in Connecticut. (*See* Gilroy Decl. at ¶ 4.) The minority member of Edible Brands, LLC is CP Edible, Inc., which is a Delaware corporation that has its principal place of business in Connecticut. (*See* Gilroy Decl. at ¶ 4.)

8. The jurisdictional amount requirement is satisfied because the value of the claims asserted or sought to be enforced in this action exceeds \$75,000, exclusive of interest and costs. Plaintiffs specifically allege in their Petition that if they do not receive an injunction to prevent the closing of their three Edible Arrangements stores in New York, the harm would be "immediate and irreparable" and they "would lose hundreds of thousands in income." (Petition, ¶ 10.)

9. The initial time within which EAI is required by the laws of the State of New York to answer or otherwise plead in response to the Petition has not expired, and EAI has not answered or otherwise pleaded in response to the Petition.

10. This Notice of Removal is timely under 28 U.S.C. § 1446(b), in that it is filed by EAI within thirty days after receipt by EAI, through service or otherwise, of a copy of the Petition.

11. All process, pleadings and orders received by EAI in the State Court Action, consisting of the Petition, Affirmation in Support of Emergency Order To Show Cause, Request for Judicial Intervention and Emergency Order To Show Cause, are annexed hereto collectively as Exhibit B.

12. Pursuant to 28 U.S.C. § 1446(d), a true and complete copy of this Notice of Removal is being filed with the Clerk of the Supreme Court of New York, County of New York, and served on Plaintiffs.

WHEREFORE, Defendant Edible Arrangements International, LLC hereby removes this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: January 23, 2014

By: /s/ Cary B. Samowitz  
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